(56)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No.306 of 1995

Petitioner		Managing Director, Bhilai Steel Plant, Bhilai (Unit of Steel Authority of India Ltd.).
	Versus	
Respondents	1.	Industrial Court, M.P. Raipur Bench, Raipur (C.G.)
	2.	Presiding Officer, Labour Court, Durg, District – Durg (C.G.).
	3.	Kedarnath Dwivedi, S/o Shri Ramanuj Dubey, R/o Qr. No. F-Block No. 77, Camp-I, Bhilai, District- Durg (C.G.) (Since dead, through Legal Representatives No. 1 to 4) 1. Smt. Sumitra Bai, W/o Late Shri Kedarnath Dwivedi, aged about 50 years. 2. Smt. Alpana Pandey, W/o Shri Arun Pandey, aged about 28 years, R/o Laxmanpur, Rewa, District- Rewa. 3. Ajay Kumar Dwivedi, S/o Late Shri Kedarnath Dwivedi, aged about 25 years. 4. Vinay Kumar Dwivedi, S/o Late Shri Kedarnath Dwivedi, aged about 19 years. (All residents of Post – Govindgarh, village- Vasadevintola)

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Gautam Bhaduri, Advocate for the petitioner.

Miss Sharmila Singhai, Advocate for the respondent No.3.

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(57)

ORAL ORDER

(12th January, 2006)

This order of the Court was passed by **S. K. Agnihotri, J.**

1. The present petition filed under Article 226/227 of the Constitution of India, challenges the legality and validity of the order dated 17.10.1994, passed by Industrial Court, Bench at Raipur in Appeal No. 179/MPIR/94, whereby learned Industrial Court has dismissed both the appeals filed by the management as well as employee. The Management/petitioner had filed the appeal questioning the order of Labour Court, whereby it was directed to reinstate the original respondent No. 3 Kedarnath Dwivedi on the post. The employee had also filed an appeal impugning the order of refusal to grant back wages to the employee-Kedarnath Dwivedi.

2. Learned counsel appearing for the respondent No.3 submits that against this very order the petitioner had filed a petition before the High Court of Madhya Pradesh at Jabalpur, being Writ Petition No. 944/95. The High Court of M.P. at Jabalpur by order dated 5.04.1995, was pleased to dismiss the petition summarily.

3. I have heard learned counsel for the parties and perused the judgment and orders passed by the Labour Court as well as Industrial Court. The power of this court in exercise of its jurisdiction under Article 226/227 of the Constitution of India is limited to the extent that this Court should restrain itself in exercise of its power unless there is perversity in finding of

facts, non application of proper law or finding recorded is without evidence. I have found that there is no perversity in the impugned judgment and order. The finding of facts recorded by the Industrial Court is supported by evidence after applying proper law. Hence it does not warrant for any interference with the impugned order dated 17.10.1994.

4. For the reasons stated above, the petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge